



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 5, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-1839

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117272.

The City of Houston Police Department (the "city") received an open records request for an incident report of an investigation of an alleged "terroristic" threat. You contend that, except for "basic information" specifically made public under section 552.108(c)<sup>1</sup>, the requested information is excepted from required public disclosure pursuant to section 552.108(a) of the Government Code. We have reviewed your arguments and the information at issue.

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

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<sup>1</sup>*Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. - Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), establishes the guidelines on what constitutes such "basic" information in police files. See Open Records Decision No. 127 (1976) for a summary of the holding.

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state [and

Subsection (c) provides:

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You say that the records at issue pertain to a pending criminal investigation and their release would interfere with further investigation and prosecution. We conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. Therefore except for "basic information," which must be released, you may withhold the requested information at this time pursuant to section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/RHS/ch

Ref: ID# 117272

Enclosures: Submitted documents

cc: Ms. Sherry Stewart  
3702 Griggs  
Houston, Texas 77021  
(w/o enclosures)